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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,062	08/29/2005	Norbert Koch	N Koch ET AL - 1 PCT	2570
25889	7590	01/30/2008		
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER LOPEZ, FRANK D	
			ART UNIT 3745	PAPER NUMBER
			MAIL DATE 01/30/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,062	Applicant(s) KOCH ET AL. CT	
	Examiner F. Daniel Lopez	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Applicant's arguments filed November 16, 2007, have been fully considered but they are not deemed to be persuasive.

Applicant argues that neither Blattry nor Curlett disclose a hydraulic stabilizing device. This is correct, but, since the hydraulic stabilizing device is intended use, it is given no patentable weight.

Applicant argues that Curlett shows 2 separate switching valves arranged in series; and therefore they are not in parallel, as claimed. The examiner disagrees. Although most of applicant's discussion is correct, the flow of pressurized fluid to valve 7 (e.g. fig 2) from passage 31 via passages 35 and 27 is never controlled by valve 6. In Fig 2, the valve 7 controls flow to the actuator, moving the actuator in one direction and the valve 6 has no affect on the flow to the actuator. If the valve controller 22 is moved in the opposite direction, then valve 7 will have no affect on the flow to the actuator and valve 6 controls flow to the actuator, moving the actuator in a direction opposite to the one direction. Since both the vales are connected between the actuator on one side and the pressure and tank passages on the other side, without affecting flow to each other, they are connected in parallel.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claims 1-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 7 and 10 "can be" is not a positive limitation; suggest that --is selectively--, replace it.

Claims 2-9 are indefinite, since they depend from claim 1.

Claim Rejections - 35 USC § 103

Claims 1-3 and 5-7 are rejected under 35 U.S.C. § 103 as being unpatentable over Blattry in view of Curlett. Blattry discloses a fluid device comprising an actuator having first and second chambers (11, 13) connected by connection lines (6, 7) to a 4/2 way type switching device (valve marked 29 in fig 1c), which can be switched between a direct pass through position and a crossed-over pass through position; wherein the switching device is in series with, and downstream of, a switching apparatus (16), which is a three position directional control valve; wherein a pressure sensor (30, fig 1c) is connected to one of the connection lines, downstream of the switching apparatus, between the switching apparatus and the switching device and senses when an appropriate pressure level in one of the chambers is reached; but does not disclose that the switching apparatus is two separate 4/2 way switching valves, arranged in parallel, wherein one has a blocking position and a direct pass-through position, and the other has a blocking position and a crossed-over pass-through position; or that there are a plurality of pressure sensors downstream of the switching apparatus.

Curlett teaches that a directional control valve type switching apparatus can include two separate 4/2 way switching valves (6, 7), arranged in parallel, wherein one has a blocking position and a direct pass-through position, and the other has a blocking position and a crossed-over pass-through position.

Since one having ordinary skill in the piston art would recognize that the switching apparatus of Blattry and Curlett are interchangeable and would understand how to replace one with the other; it would have been obvious at the time the invention was made to one having ordinary skill in the art to replace the switching apparatus of Blattry with a switching apparatus which includes two separate 4/2 way switching valves, arranged in parallel, wherein one has a blocking position and a direct pass-through position, and the other has a blocking position and a crossed-over pass-through position, as taught by Curlett, with the resulting replacement being predictable.

Blattry teaches, for a different fluid device (fig 1c) comprising an actuator having first and second chambers (11, 13) connected by connection lines to a switching apparatus (14); wherein a pressure sensor (30') is connected to one of the connection lines, downstream of the switching apparatus, which senses when an appropriate pressure level in one of the chambers is reached; that there is a second pressure sensor (31) connected to the other connection line, downstream of the switching apparatus, for the purpose of sensing when an appropriate pressure level in the other chamber is reached.

Since one having ordinary skill in the piston art would recognize that the second pressure sensor of a different embodiment of Blattry can be used in the embodiment of Blattry having the switching device for the purpose stated; it would have been obvious at the time the invention was made to one having ordinary skill in the art to include a second pressure sensor connected to the other connection line, downstream of the switching apparatus of Blattry, as taught by Blattry, for the purpose of sensing when an appropriate pressure level in the other chamber is reached. For the second pressure sensor to do this, it must be between the switching apparatus and the switching device.

The limitations "hydraulic" and "stabilizing" are considered intended use, and therefore have been given no patentable weight.

Conclusion

Claims 4, 8 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571- 272-4821. The examiner can normally be reached on Monday-Thursday from 6:10 AM -3:40 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.

/F. Daniel Lopez/

F. Daniel Lopez
Primary Examiner
Art Unit 3745
January 23, 2008